IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.286 OF 2004
WITH
CIVIL APPLICATION NO.1331 OF 2005

Pune Vidyarthee Gruha. .. .. Petitioner
v/s.
The Director of Technological
Education & anr. .. .. Respondents

Mr.P.S. Dani for petitioner.

Mr.R.M.Pethe for res.No.2

Mr.S.R.Nargolkar, AGP for res.No.1.

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**CORAM : H.L. GOKHALE &**
**SMT.R.S.DALVI, JJ.**

**DATE : 24th June 2005**

**P.C. :**

1. This petition is filed by an Institution which is running number of hostels for the students as well as Educational Institutions and the Institute of Printing Technology in the city of Pune. Respondent No.2 was working as a Principal of this Institute of Printing Technology. In view of his ill-health, he sought to be relieved from that post and to be retained as a Head of Department in that Institute. The petitioner-Institution accepted the 2nd respondent's request and appointed one Shri R.K. Uniyal in his place. Subsequently, it appears that respondent No.2 had second thoughts and he approached respondent No.1-Director of

Technological Education by contending that injustice had been done to him. Respondent No.1 accepted his submissions and issued a letter dated 27th February 2003 directing that respondent No.2 be reinstated to the position of the Principal. It was followed by another communication dated 19th July 2003 informing the petitioner-Institution that it had not complied with the order passed earlier. The same be complied with and if that is not done, the grants will be stopped. It is these two communications dated 27th February 2003 and 19th July 2003 which are challenged in the main petition.

2. The petition was admitted on 21st January 2004 when the learned Counsel for respondent No.2 was also heard and an interim order in terms of prayer clause (c) was granted, whereby effect of these two communications was stayed.

3. Now, a civil application is taken out by respondent No.2 to the main petition being Civil Application No.1331 of 2005. This civil application points out that in the meanwhile respondent No.2 has voluntarily retired with effect from 27th February 2004. A request is made in this civil application that his retirement

benefits be cleared on that footing.

4. Mr.Pethe, learned Counsel appearing for respondent No.2, makes a statement that respondent No.2 is no longer interested in canvassing his claim for the Principal's post and he will be satisfied if his retirement benefits will be cleared at the earliest.

5. Mr.Dani, learned Counsel appearing for the petitioner-Institution, does not dispute that respondent No.2 had put in the qualifying service for pension. He states that the Institution will take the necessary steps at the earliest to complete the formalities.

6. Mr.Pethe informs that the papers of retirement benefits of respondent No.2 have already been forwarded in August 2004. All that he seeks is that the retirement benefits of respondent No.2 be cleared by respondent No.1-Director of Technological Education at the earliest. Mr.Nargolkar, learned AGP appearing for respondent No.1-Director of Technological Education, states that the necessary steps will be taken at the earliest.

7. In view of what is stated above, it is no longer necessary to maintain the two communications dated 27th February 2003 and 19th July 2003, which are challenged in the main petition. Accordingly, Rule issued in the petition is made absolute and these two communications are set aside. The petition stands disposed of as above.

8. As far as this civil application is concerned, we allow the civil application as well and direct the Director of Technological Education to finalise the pension and other benefits of respondent No.2 to the main petition at the earliest and in any case, within three months i.e. by end of September 2005 on an outer side. The civil application is disposed of.

**(H.L. GOKHALE, J.)**

**(SMT.R.S.DALVI, J.)**